

Matters of urgent concern to the joint council in regards to Koocanusa Reservoir include:

- Documented impacts to transboundary fish in Koocanusa Reservoir, including toxic levels of selenium in several species;
- An almost two-fold increase in ambient Kootenai River nitrate concentrations below Libby Dam since 2005.
- The absence of federal leadership that honors Tribal trust authority and fiduciary responsibilities to First Nations, addresses current impacts, and addresses the legacy of mining impacts in this watershed;
- The failure of the Line Creek wastewater treatment facility to produce treated wastewater that does not threaten water quality and aquatic life;
- The advancement of three non-Teck coal mines in the Elk River Valley, in addition to provincially permitted mine expansions for four of the existing Teck mines, and
- Explicitly address cumulative impacts to endangered fish and wildlife populations, including the Kootenai River white sturgeon, a species that is proven to be the most sensitive to selenium.
- The recent charges brought against Teck Coal Ltd. for the killing of 74 Westslope cutthroat trout, in Line Creek, downstream of the Line Creek wastewater treatment facility.

Our specific concerns for the process currently underway:

- The current initiative lacks adequate representation and appropriate participation by: Tribes, First Nations, provincial and state agencies, US and Canadian federal agencies, and stakeholders from both sides of the border. There should be equal governing representation from Tribes, First Nations, provincial and state agencies, and US and Canadian federal agencies.
- A comprehensive evaluation of the nature and extent of contamination from legacy and current mining activities in the Elk/Kootenai watershed is required.
- The spatial scope of the LKMRWG is limited (i.e., Koocanusa Reservoir); attention must be given to the entire transboundary Elk/Kootenai watershed to ensure the protection and safeguarding of all cultural, treaty, and indigenous lands.
- There is a need to assess legacy, current, and projected mining impacts at an appropriate spatial scale (i.e., the Elk/Kootenai watershed). At this time, the LKMRWG is focused on current conditions; a greater emphasis needs to be put on the future of the watershed and include the Kootenai River downstream of Koocanusa Reservoir.

With the goal of protecting cultural, treaty, and indigenous values in the entire Elk/Kootenai River watershed, the joint recommendation of the Councils is that the scope of the LKMRWG be expanded to:

- Examine and report on the existing environmental conditions (i.e., State of the Environment) in the Elk and Kootenai River Basins;
- Oversee an international assessment of impacts and risks to transboundary fish and wildlife;
- Explicitly address traditional cultural values, species of cultural importance, and risks to human health;
- Explicitly address cumulative impacts in the transboundary Elk/Kootenai watershed; and,
- Explicitly address cumulative impacts to endangered fish and wildlife populations, including the Kootenai River white sturgeon, a species that is proven to be the most sensitive to selenium.
- Establish research and long-term monitoring priorities that comprehensively address the fate and transport of mining-related contaminants, nutrient loading, and any unforeseen impacts to

fish and wildlife within the watershed (including the culturally important and nearly extirpated burbot populations).

From our perspective, an international agreement must be designed to achieve the following;

1. Oversee an international assessment of impacts and risks to transboundary fish and wildlife;
2. Examine and report on the existing environmental conditions (i.e., State of the Environment) in the Elk and Kootenai River Basins;
3. Explicitly address cumulative impacts in the transboundary Elk/Kootenai watershed; particularly cumulative impacts to endangered fish and wildlife populations, including the Kootenai River white sturgeon, a species that is proven to be the most sensitive to selenium;
4. Explicitly address traditional cultural values and species of cultural importance;
5. Establish research and long-term monitoring priorities that comprehensively address the fate and transport of mining-related contaminants, nutrient loading, and any unforeseen impacts to fish and wildlife within the watershed;
6. Explicitly address risks to human health; contaminants draining from the mines are known to bio-accumulate and pose a threat to human health through common and traditional consumption;
7. Explicitly address assurances for bonding, mitigation and proponent accountability, and the federal regulatory oversight to ensure the protection and restoration of the Elk/Kootenai Watershed, from the Elk River in British Columbia, through Montana, Idaho, and back to Kootenay Lake in British Columbia.